

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
PEEAIR WARD,                )  
BRANDON SMITH-CUSHINGBERRY, )  
                                  )  
                                  )  
Defendants.                   )

4:08CR3078

**PRELIMINARY ORDER  
OF FORFEITURE**

NOW ON THIS 8th day of September, 2008, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendants have entered into Plea Agreements, whereby they have agreed to plead guilty to Count I of said Indictment. Count I of said Indictment charges the Defendants with possession with intent to distribute cocaine base, a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1). The Defendant, Peeair Ward, also agreed to forfeit, to the United States, \$461.00 in United States currency seized from him on May 2, 2008, as drug proceeds. The Defendant, Brandon Smith-Cushingberry, also agreed to forfeit, to the United States, \$520.00 in United States currency seized from him on May 2, 2008, as drug proceeds.
2. By virtue of said pleas of guilty, the Defendants forfeit their interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C., § 853.
3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.
- B. Based upon the Defendants' pleas of guilty, the United States is hereby authorized to seize the \$461.00 and \$520.00 in United States currency.
- C. The Defendants' interests in said properties are hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).
- D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.
- E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendants, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
- F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

ORDERED this 8th day of September, 2008.

**BY THE COURT:**

s/ Warren K. Urbom

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**WARREN K. URBOM, SENIOR JUDGE**  
**United States District Court**